

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

GABRIEL MEDINA MORALES,

Defendants.

E-FILED - 3/28/11

CASE NO.: CR-09-00425- RMW

**ORDER RE: MOTIONS FILED BY
DEFENDANT PRO SE**

10 || GABRIEL MEDINA MORALES,

11 || Defendants.

Defendant Gabriel Medina Morales has filed several pro se motions. The court notes that when a defendant is represented, motions except those dealing with the replacement of counsel, or to discharge appointed counsel, and represent oneself should be made through counsel. At a hearing on March 28, 2011, the court inquired of defendant as to whether he wished to have his appointed counsel relieved as his motions indicated that he wished to do so. Both appointed counsel, and the defendant himself stated that he did not want counsel to relieve or replace his counsel. The court, therefore, denies the motions seeking such relief.

Defendant also moves for a speedy trial, to dismiss the indictment, and for discovery. Those motions are denied. The motion for discovery is denied without prejudice to any motion filed by counsel for discovery.

Defendant's overriding concern appears to be his health and the quality of his medical care. Defense counsel advised that he has looked into the issue of defendant's care and will check on the defendant's claim that previously anticipated surgery has been cancelled.

DATED: 3/28/11

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

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2 Copy of Order E-Filed to Counsel of Record:
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4 Copy of Order Mailed to:
5 Gabriel Medina Morales
Booking #: 09023631
PFN #: DBL806
885 N. San Pedro Street
6 San Jose, CA 95110

7 *Defendant*

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